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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,942	09/19/2003	Peng Wang	09282.0047-00	8436
22852	7590	02/01/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER CAO, PHUONG THAO	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 02/01/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/666,942	WANG ET AL.	
	Examiner	Art Unit	
	Phuong-Thao Cao	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Amendment/RCE filed on 10/31/2007 and entered with the RCE.
2. Claims 55-62 are newly added, and claims 1-30 are previously cancelled. Currently, claims 31-62 are pending.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

Response to Arguments

4. Applicant's arguments filed 10/31/2007 have been fully considered but they are not persuasive.

Regarding Applicant's argument that a prima facie case of obviousness has not been established because Examiner has failed to clearly articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art, Examiner disagrees.

It is a well settled rule that a reference must be considered not only for what it expressly teaches but also for what it fairly suggests. See *In re Burckel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979) and *In re Lamberti*, 545 F.2d 747, 192 USPQ 278 (CCPA 1976) as well as *In re Bode*, 550 F.2d 656, 193 USPQ 12 (CCPA 1977) which indicates such fair suggestions to unpreferred embodiments must be considered even if they were not illustrated. Additionally, it is an equally well settled rule that what a reference can be said to fairly suggest relates to the concepts fairly contained therein, and is not limited by the specific structure chosen to illustrate such concepts. See *In re Bascom*, 230 F.2d 612, 109 USPQ 98 (CCPA 1956).

Regarding Applicant's argument that Goerke does not teach or suggest using "ValidFrom" and "ValidTo" data values as search or extraction criteria to limit the information sent to the recipient, Examiner disagrees. In general, any data attribute in a database can be used as a criteria for searching or extracting. Therefore, the disclosure of a data attribute (e.g., "ValidFrom", "ValidTo") suggests the use of that data attribute as search or extraction criteria. For instance, Goerke et al. discloses in a schema diagram on page 25, a validity period (represented by values of validFrom and validTo) associated with WorkLocation, which suggests the use of validity period to identify and extract valid information at a predetermined time (i.e., valid information must have the validity period including the predetermined time).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 55-62 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding newly added claims 55, 57, 59 and 61, the subject matter of “updating the record comprises including a notification date of the notification”, which is interpreted as updating the record comprises including a notification date of the notification in the updated record, is directed to new matter because of not being disclosed in the specification.

Regarding newly added claims 56, 58, 60 and 62, the subject matter of “extracting the valid content data is based on the notification date” is not disclosed in the specification.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 31-54 (effective filing date 09/19/2003) are rejected under 35 U.S.C. 103(a) as being unpatentable over Goerke et al. (Employee Stock Plans Interface 1.0 Recommendation, October 2002) in view of Hanzek (US Patent No 6,980,963, effective filing data 03/29/2000).

As to claim 31, Goerke et al. teaches:

“A method for updating a record stored in a database and transmitting valid content data as of the time of transmission, the record including a plurality of content data and a validity period associated with each of the plurality of content data” (see Goerke et al., Diagram on page

13, [page 15, paragraph 1 and 5], [page 16, paragraph 1 and 2] and [page 17, paragraph 2] wherein inception data combined with end data creates a validity period for a Plan data and Human Resource Information System must include a database to maintain data as disclosed), comprising:

“receiving a notification regarding a change in a validity period of at least one of the plurality of content data of the record” (see Goerke et al., [page 17, paragraph 4, 5 and 7] for the notification of change such as terms of the grant which is considered as validity period of the grant);

“updating, based on the notification, the record by changing the validity period for one of the plurality of content data” (see Goerke et al., [page 17, paragraph 2 and 7] wherein the change from the original expiration data to another data as disclosed is equivalent to Applicant’s “changing the validity period”);

“extracting, at a predetermined time, valid content data from the updated record, the valid content data corresponding to content data having a validity period including the predetermined time” (see Goerke et al., [page 16, paragraph 1, 4, 7 and 8], and [page 17, paragraph 1 and 2] wherein terms of the grant such as vesting or expiration is equivalent to Applicant’s “validity period including the predetermined time); and

“sending the file at the predetermined time” (see Goerke et al., [page 19, paragraph 1], [page 17, paragraph 1, 2, 6] and [page 16, paragraph 4 and 8]).

However, Goerke et al. does not teach:

“producing an internal document that includes the valid content data extracted from the updated record”; and

“producing a file based on the internal document that includes the valid content”.

On the other hand, Hanzek teaches:

“producing an internal document that includes the valid content data extracted from the updated record” (see Hanzek, [column 25, lines 55-67] and [column 26, lines 1-10] wherein a comma delimited flat file is equivalent to Applicant’s “internal document”); and

“producing a file based on the internal document that includes the valid content” (see [column 26, lines 1-25] wherein an XML message or the converted file is equivalent to Applicant’ “file”).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Hanzek into Goerke et al.’s system. Skilled artisan would have been motivated to do so as suggested by Hanzek, [column 26, lines 8-25] to enable to effectively transfer data between different systems supporting different transport communication mechanisms. In addition, both of the references (Goerke et al. and Hansek) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, data management system including exchanging data between multiple systems, databases, updating one database using data extracted from another system, XML, etc. This close relation highly suggests an expectation of success.

As to claim 38, Goerke et al. teaches:

“A computer program product, tangibly embodied on a computer-readable medium, for updating a record stored in a database and transmitting valid content data as of the time of transmission, the record including a plurality of content data and a validity period associated

with each of the plurality of content data” (see Goerke et al., Diagram on page 13, [page 15, paragraph 1 and 5], [page 16, paragraph 1 and 2] and [page 17, paragraph 2] wherein inception data combined with end data creates a validity period for a Plan data and Human Resource Information System must include a computer program and a database to process and maintain data as disclosed), the computer program product storing instructions for execution by a machine to:

“receive a notification regarding a change in a validity period of at least one of the plurality of content data of the record” (see Goerke et al., [page 17, paragraph 4, 5 and 7] for the notification of change such as terms of the grant which is considered as validity period of the grant);

“update, based on the notification, the record by changing the validity period for one of the plurality of content data” (see Goerke et al., [page 17, paragraph 2 and 7] wherein the change from the original expiration data to another data as disclosed is equivalent to Applicant’s “changing the validity period”);

“extract, at a predetermined time, valid content data from the updated record, the valid content data corresponding to content data having a validity period including the predetermined time” (see Goerke et al., [page 16, paragraph 1, 4, 7 and 8], and [page 17, paragraph 1 and 2] wherein terms of the grant such as vesting or expiration is equivalent to Applicant’s “validity period including the predetermined time); and

“sending the file at the predetermined time” (see Goerke et al., [page 19, paragraph 1], [page 17, paragraph 1, 2, 6] and [page 16, paragraph 4 and 8]).

However, Goerke et al. does not teach:

“produce an internal document that includes the valid content data extracted from the updated record”; and

“produce a file based on the internal document that includes the valid content”.

On the other hand, Hanzek teaches:

“producing an internal document that includes the valid content data extracted from the updated record” (see Hanzek, [column 25, lines 55-67] and [column 26, lines 1-10] wherein a comma delimited flat file is equivalent to Applicant’s “internal document”); and

“producing a file based on the internal document that includes the valid content” (see Hanzek, [column 26, lines 1-25] wherein an XML message or the converted file is equivalent to Applicant’ “file”).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Hanzek into Goerke et al.’s system. Skilled artisan would have been motivated to do so as suggested by Hanzek, [column 26, lines 8-25] to enable to effectively transfer data between different systems supporting different transport communication mechanisms. In addition, both of the references (Goerke et al. and Hansek) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, data management system including exchanging data between multiple systems, databases, updating one database using data extracted from another system, XML, etc. This close relation highly suggests an expectation of success.

As to claim 45, Goerke et al. teaches:

“A system for updating a record stored in a database and transmitting valid content data as of the time of transmission, the record including a plurality of content data and a validity period associated with each of the plurality of content data” (see Goerke et al., Diagram on page 13, [page 15, paragraph 1 and 5], [page 16, paragraph 1 and 2] and [page 17, paragraph 2] wherein inception data combined with end data creates a validity period for a Plan data and Human Resource Information System must include a database to maintain data as disclosed), comprising:

“a company including a computer system” (see Goerke et al., [page 16, paragraph 1]) that:

“receives a notification regarding a change in a validity period of at least one of the plurality of content data of the record” (see Goerke et al., [page 17, paragraph 4, 5 and 7] for the notification of change such as terms of the grant which is considered as validity period of the grant);

“updates, based on the notification, the record by changing the validity period for one of the plurality of content data” (see Goerke et al., [page 17, paragraph 2 and 7] wherein the change from the original expiration data to another data as disclosed is equivalent to Applicant’s “changing the validity period”);

“extracts, at a predetermined time, valid content data from the updated record, the valid content data corresponding to content data having a validity period including the predetermined time” (see Goerke et al., [page 16, paragraph 1, 4, 7 and 8], and [page 17, paragraph 1 and 2] wherein terms of the grant such as vesting or expiration is equivalent to Applicant’s “validity period including the predetermined time); and

“sending the file at the predetermined time” (see [page 19, paragraph 1], [page 17, paragraph 1, 2, 6] and [page 16, paragraph 4 and 8]).

However, Goerke et al. does not teach:

“produce an internal document that includes the valid content data extracted from the updated record”; and

“produce a file based on the internal document that includes the valid content”.

However, Hanzek teaches:

“producing an internal document that includes the valid content data extracted from the updated record” (see Hanzek, [column 25, lines 55-67] and [column 26, lines 1-10] wherein a comma delimited flat file is equivalent to Applicant’s “internal document”); and

“producing a file based on the internal document that includes the valid content” (see Hanzek, [column 26, lines 1-25] wherein an XML message or the converted file is equivalent to Applicant’ “file”).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Hanzek into Goerke et al.’s system. Skilled artisan would have been motivated to do so as suggested by Hanzek, [column 26, lines 8-25] to enable to effectively transfer data between different systems supporting different transport communication mechanisms. In addition, both of the references (Goerke et al. and Hanzek) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, data management system including exchanging data between multiple systems, databases, updating one database using data extracted from another system, XML, etc. This close relation highly suggests an expectation of success.

As to claims 32, 39 and 46, these claims are rejected based on arguments given above for rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Goerke et al. and Hanzek teach:

“wherein the file includes Extensible Markup Language” (see Goerke et al., Abstract and Appendix C [page 49]).

As to claims 33, 40 and 47, these claims are rejected based on arguments given above for rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Goerke et al. and Hanzek teach:

“wherein the change in the validity period includes extending a time period in which the record content is valid” (see Goerke et al., [page 20] and [page 21] for the attributes “validFrom” and “validTo” of the record content “StockPlan”, the inclusion of these attributes allows the change in the validity period including extending a time period as illustrated in Applicant’s claim language).

As to claims 34, 41 and 48, these claims are rejected based on arguments given above for rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Goerke et al. and Hanzek teach:

“wherein the change in the validity period includes shortening a time period in which the record content is valid” (see Goerke et al., [page 20] and [page 21] for the attributes “validFrom” and “validTo” of the record content “StockPlan”, the inclusion of these attributes allows the

change in the validity period including shortening a time period as illustrated in Applicant's claim language).

As to claims 35, 42 and 49, these claims are rejected based on arguments given above for rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Goerke et al. and Hanzek teach:

“wherein the record includes information associated with a participant of a stock option program” (see Goerke et al., [page 15, paragraph 5-8]).

As to claims 36, 43 and 50, these claims are rejected based on arguments given above for rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Goerke et al. and Hanzek teach:

“wherein the record includes information associated with stock option granted in a stock option program” (see Goerke et al., [page 15, paragraph 1 and 2] and [page 16, paragraph 1, 5-8]).

As to claims 37, 44 and 51, these claims are rejected based on arguments given above for rejected claims 31, 38 and 45 respectively, and are similarly rejected including the following:

Goerke et al. and Hanzek teach:

“repeating at least the step of extracting, producing the internal document, producing the file, and sending at a second predetermined time” (see Goerke et al., [page 16, paragraph 1-4] and [page 19, paragraph 1]).

As to claim 52, Goerke et al. teach:

“A method for updating a record stored in a database and transmitting valid content data as of the time of transmission, the record including at least one content data and a validity period associated with the at least one content data” (see Goerke et al., Diagram on page 13, [page 15, paragraph 1 and 5], [page 16, paragraph 1 and 2] and [page 17, paragraph 2] wherein inception data combined with end data creates a validity period for a Plan data and Human Resource Information System must include a database to maintain data as disclosed), comprising:

“receiving a notification during a first time period regarding a change in a validity period of the at least one content data included in the record that is to be effected during a second time period, wherein the first time period and the second time period are different” (see Goerke et al., [page 17, paragraph 4, 5 and 7] for the notification of change effected terms of the grant which is considered as notification regarding change in a validity period of the grant data from a first time period to second time period, as illustrated in Applicant’s claim language);

“updating, based on the notification, the record by changing the validity period for the at least one content data” (see Goerke et al., [page 17, paragraph 2 and 7] wherein the change from the original expiration data to another data as disclosed is equivalent to Applicant’s “changing the validity period”);

“extracting, at a periodic time interval, valid content data from the updated record, the valid content data corresponding to content data being current at the time of extraction” (see Goerke et al., [page 16, paragraph 1, 4, 7 and 8], and [page 17, paragraph 1-7]); and

“sending the file at the periodic time interval” (see Goerke et al., [page 19, paragraph 1], [page 17, paragraph 1, 2, 6] and [page 16, paragraph 4 and 8]).

Goerke et al. does not teach:

“produce an internal document that includes the valid content data extracted from the updated record”; and

“produce a file based on the internal document that includes the valid content”.

Hanzek teaches:

“producing an internal document that includes the valid content data extracted from the updated record” (see Hanzek, [column 25, lines 55-67] and [column 26, lines 1-10] wherein a comma delimited flat file is equivalent to Applicant’s “internal document”); and

“producing a file based on the internal document that includes the valid content” (see Hanzek, [column 26, lines 1-25] wherein an XML message or the converted file is equivalent to Applicant’ “file”).

It would be obvious to a person having ordinary skill in the art at the time the invention was made to have modified Goerke et al. by the teaching of Hanzek to add the features of producing an internal document and producing a file based on the internal document since these features provides an effective way to transfer data between different systems support different transport communication mechanisms (see Hanzek, [column 26, lines 10-16]). In addition, both of the references (Goerke et al. and Hanzek) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, data management system including exchanging data between multiple systems, databases, updating one database using data

extracted from another system, XML, etc. This close relation highly suggests an expectation of success.

As to claim 53, this claim is rejected based on arguments given above for rejected claim 52 and is similarly rejected including the following:

Goerke et al. and Hanzek teach:

“wherein the periodic time interval includes a day” (see Goerke et al., [page 16, paragraph 4] for the disclosure of regular exchange of data occurring each night).

As to claim 54, this claim is rejected based on arguments given above for rejected claim 52 and is similarly rejected including the following:

Goerke et al. and Hanzek teach:

“wherein the periodic time interval includes a week” (see Goerke et al., [page 16, paragraph 4] for the disclosure of regular exchange of data occurring each night which anticipates ‘the period time interval includes a week’ as illustrated in Applicant’s claim language).

As to claims 55, 57, 59 and 61, these claims are rejected based on arguments given above for rejected claims 31, 38, 45 and 52 respectively, and are similarly rejected including the following:

Goerke et al. and Hanzek teach:

“wherein updating the record comprises including a notification data of the notification”
(see Hanzek, [column 26, lines 33-35] for update date).

As to claims 56, 58, 60 and 62, these claims are rejected based on arguments given above for rejected claims 55, 57, 59 and 61 respectively, and are similarly rejected including the following:

Goerke et al. and Hanzek teach:

“wherein extracting the valid content data is based on the notification date” (see Goerke et al., for a sequence of notification (participant notifies company who in turn notifies the Administrator), the change that the participant notify the company will update the company’s database and since the Company exchanges information from its database to the Administrator’s database, data must be extracted from the company’s database based on the notification to update the Administrator’s database).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735.

The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuong-Thao Cao
Art Unit 2164
January 23, 2008


CHARLES RONES
SUPERVISORY PATENT EXAMINER